

AO 120 (Rev.3/04)

TO: Mail Stop 8
Director of the U.S. Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

**REPORT ON THE
 FILING OR DETERMINATION OF AN
 ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised
 that a court action has been filed in the U.S. District Court San Diego on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
07cv1991-DMS	10/15/2007	Southern District of California
PLAINTIFF	DEFENDANT	
Visual Interactive Phone Concepts, Inc.		Leap Wireless International, Inc.
PATENT OR TRADEMARK NO.		PATENT OR TRADEMARK NO.
1 See Attached	5,606,361	6
2 5,724,092		7
3		8
4		9
5		10
		11
		12
		13
		14
		15

In the above-entitled case, the following patent(s)/trademark(s) have been included:

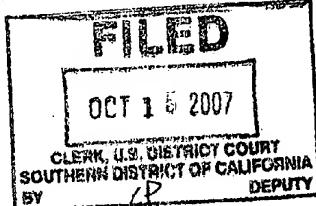
DATE INCLUDED		
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.
1	6	11
2	7	12
3	8	13
4	9	14
5	10	15

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT
<i>attached</i>

CLERK	(BY) DEPUTY CLERK	DATE
W. Samuel Hamrick, Jr.	/s K. Madden	10/16/2007 9/11/08

Anatoly S. Weiser, Cal. State Bar # 212,698
3525 Del Mar Heights Road, #295
San Diego, California 92130
Tel: (858) 720-9431
Fax: (85) 720-8631
aw@IPLCounsel.com



Jean-Marc Zimmerman (Pro Hac Vice Pending)
Zimmerman, Levi & Korsinsky, LLP
226 St. Paul Street
Westfield, NJ 07090
Tel: (908) 654-8000
Fax: (908) 654-7207
jmzimmerman@zlk.com

Atorneys for Plaintiff Visual Interactive Phone Concepts, Inc.

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF CALIFORNIA

**VISUAL INTERACTIVE PHONE CONCEPTS,
INC.**

'07 CV 1991 DMS LSP

Plaintiff.

Y.

LEAP WIRELESS INTERNATIONAL, INC.

Defendant

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff Visual Interactive Phone Concepts, Inc. ("Plaintiff" or "VIPC") demands a jury trial and complains against the defendant as follows:

THE PARTIES

1. VIPC is a Nevada State corporation, with its principal place of business at One President Street, Staten Island, NY 10314.

2. Upon information and belief, Leap International Wireless, Inc. ("Defendant" or "Leap") is a corporation organized and existing under the laws of the State of California, having a place of business at 10307 Pacific Center Court, San Diego, CA 92121.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Defendant is doing business and committing
infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

CLAIM FOR PATENT INFRINGEMENT

6. Plaintiff, VIPC, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 5 above.

7. On February 25, 1997, U.S. Patent No. 5,606,361 (hereinafter referred to as "the '361 patent") was duly and legally issued to VIPC for an invention entitled "Videophone Interactive Mailbox Facility System and Method of Processing Information." A copy of the '361 patent is attached to this Complaint as Exhibit 1.

8. On March 3, 1998, U.S. Patent No. 5,724,092 (hereinafter referred to as "the '092 patent") was duly and legally issued to VIPC for an invention entitled "Videophone Interactive Mailbox Facility System and Method of Processing Information." A copy of the '092 patent is attached to this Complaint as Exhibit 2.

9. VIPC is the owner of all right, title and interest in and to the '361 patent and the '092 patent.

COUNT ONE

10. Plaintiff, VIPC, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 9 above.

11. Leap has and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the '361 patent by, among other things, making,

1 using, offering for sale, selling and/or importing mobile telephones, software and systems as
2 defined by the claims of the '361 patent, without permission from VIPC, and will continue to do so
3 unless enjoined by this Court.

4 12. Plaintiff, VIPC, has been damaged by such infringing activities by the Defendant of
5 the '361 patent and will be irreparably harmed unless such infringing activities are enjoined by this
6 Court.
7

8 **COUNT TWO**

9 13. Plaintiff, VIPC, repeats and incorporates herein the entirety of the allegations
10 contained in paragraphs 1 through 12 above.

11 14. Leap has and still is infringing, actively inducing the infringement of and
12 contributorily infringing in this judicial district, the '092 patent by, among other things, importing,
13 making, using, offering for sale, and/or selling mobile telephones, software and systems as defined
14 by the claims of the '092 patent, without permission from VIPC, and will continue to do so unless
15 enjoined by this Court.

16 15. Plaintiff, VIPC, has been damaged by such infringing activities by the Defendant, of
17 the '092 patent and will be irreparably harmed unless such infringing activities are enjoined by this
18 Court.
19

20 **PRAYER FOR RELIEF**

21 WHEREFORE, THE Plaintiff, VIPC prays for judgment against the Defendant Leap on all
22 the counts and for the following relief:

23 A. Declaration that the Plaintiff is the owner of the '361 patent, and that the Plaintiff has
24 the right to sue and to recover for infringement thereof;
25 B. Declaration that the '361 patent is valid and enforceable;
26 C. Declaration that the Defendant has infringed, actively induced infringement of, and
27 contributorily infringed the '361 patent;
28

- 1 D. Declaration that the Plaintiff is the owner of the '092 patent, and that the Plaintiff has
- 2 the right to sue and to recover for infringement thereof;
- 3 E. Declaration that the '092 patent is valid and enforceable;
- 4 F. Declaration that the Defendant has infringed, actively induced infringement of, and
- 5 contributorily infringed the '092 patent;
- 6 G. A preliminary and permanent injunction against the Defendant, each of its officers,
- 7 agents, servants, employees, and attorneys, all parent and subsidiary corporations,
- 8 their assigns and successors in interest, and those persons acting in active concert or
- 9 participation with them, including distributors and customers, enjoining them from
- 10 continuing acts of infringement, active inducement of infringement, and contributory
- 11 infringement of VIPC's '361 and '092 patents;
- 12 H. An accounting for damages under 35 U.S.C. § 284 for infringement of VIPC's '361
- 13 and '092 patents by the Defendant and the award of damages so ascertained to the
- 14 Plaintiff, VIPC, together with interest as provided by law;
- 15 I. Award of VIPC's costs and expenses; and
- 16 J. Such other and further relief as this Court may deem proper, just and equitable.

17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

The Plaintiff, VIPC, demands a trial by jury of all issues properly triable by jury in this action.

By

Anatoly Weiser
3525 Del Mar Heights Road, #295
San Diego, CA 92130
Tel: (858) 720-9431
Fax: (85) 720-8631
aw@IPLCounsel.com

Jean-Marc Zimmerman (Pro Hac Vice)
Zimmerman, Levi & Korsinsky, LLP
226 St. Paul Street
Westfield, NJ 07090
Tel: (908) 654-8000
Fax: (908) 654-7207
jmzimmerman@zlk.com
Attorneys for Plaintiff VIPC

Dated: October 15, 2007
San Diego, CA

1
2
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 VISUAL INTERACTIVE PHONE
12 CONCEPTS, INC.,

13 Plaintiff,

14 v.
15 CRICKET COMMUNICATIONS, INC.
16 Defendant.

Case No. 07 CV 1991 DMS (LSP)

**ORDER DISMISSING ACTION WITH
PREJUDICE**

17
18 Upon consideration of the parties' Joint Motion for Order Dismissing Action with
19 Prejudice, and good cause appearing for that Motion, the Court hereby orders that:

20 1. The Action, including, without limitation, all claims and counterclaims asserted in
21 the Action, is hereby dismissed with prejudice as to all parties pursuant to Rule 41(a)(1)(ii) of the
22 Federal Rules of Civil Procedure; and

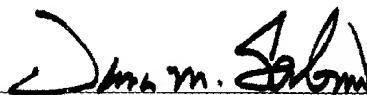
23 2. Each party shall bear its own costs and attorneys fees.

24

25 **IT IS SO ORDERED:**

26
27 Dated: August 11, 2008

28
NSD\86026.1


Hon. Dana M. Sabraw
United States District Court Judge